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AUG 10 2009

OFFICE OF PETITIONS

Applicant: Werner Bensch
Appl. No.: 10/586,946
International Filing Date: January 26, 2005
Title: SEMICONDUCTOR STRUCTURE COMPRISING ACTIVE ZONES
Attorney Docket No.: 06080
Pub. No.: US 2007/0158659 A1
Pub. Date: July 12, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 5, 2009, for the above-identified application.

The request is DISMISSED.

Applicant notes that the patent application publication contains a material error on the front page of the publication wherein the name of the inventor Werner Bensch is printed incorrectly and he therefor request that the public database be corrected.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for the public database (publication) to be corrected, received May 5, 2009 was not timely filed under 37 CFR 1.221(b).

The attorney's request for the public database to be corrected, as it is too late to request corrected publication of the application is not persuasive. In accordance with 37 CFR 1.221, changing the publication is done republication or corrected publication.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Moreover, the error on the front page of the publication wherein the spelling of the inventor's name is incorrect may be an Office error, but it is not a material Office error under 37 CFR 1.221. The misprinting of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

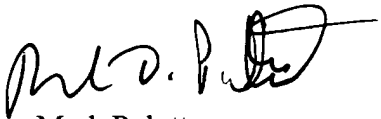
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



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